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**PLANT PATENT  
APPLICATION (35 U.S.C. 161)  
DECLARATION  
(37 CFR 1.63)**

Declaration Submitted with Initial Filing

OR

Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

Attorney Docket Number	03-0910-MCCU
First Named Inventor	James William McCully
<b>COMPLETE IF KNOWN</b>	
Application Number	
Filing Date	
Art Unit	
Examiner Name	

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) name below to be the original and first inventor(s) of the new and distinct variety of:

James William McCully

plant named: ONCIDIUM (SWEET EARS) 'THE ORCHIDWORKS'

which is claimed and for which a plant patent is sought, the specification of which

is attached hereto OR  was filed on (MM/DD/YYYY) \_\_\_\_\_ as United States Application Number \_\_\_\_\_ and was amended on (MM/DD/YYYY) \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.

I have asexually reproduced the plant to which this application applies.

Said plant was found in cultivated area (*check this box for newly found plant only*)

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only If Priority Not Claimed	YES	NO

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**DECLARATION - Plant Patent Application**

Direct all correspondence to:  Custom r Numbr: **26357**  OR  Correspondence address below

**Name** Robert M. Hunter

**Address** Robert M. Hunter PLLC

**Address** P.O. Box 2709

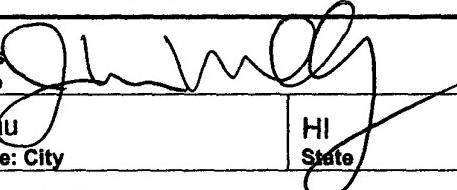
<b>City</b>	Kamuela	<b>State</b>	HI	<b>ZIP</b>	96743
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<b>Country</b>	USA	<b>Telephone</b>	808-885-4194	<b>Fax</b>	808-885-4114
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>NAME OF SOLE OR FIRST INVENTOR:</b>	<input type="checkbox"/> A petition has been filed for this unsigned inventor
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<b>Given Name</b>	James William	<b>Family Name or Surname</b>	McCully
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<b>Inventor's Signature</b>		<b>Date</b>	9.7.03
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<b>Residence: City</b>	Hakalau	<b>State</b>	HI	<b>Country</b>	USA	<b>Citizenship</b>
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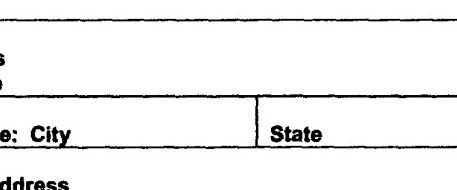
P.O. Box 355  
**Mailing Address**

**Mailing Address**

<b>City</b>	Hakalau	<b>State</b>	HI	<b>Zip</b>	96710	<b>Country</b>	USA
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<b>NAME OF SECOND INVENTOR:</b>	<input type="checkbox"/> A petition has been filed for this unsigned inventor
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<b>Given Name</b>	<b>Family Name or Surname</b>
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<b>Inventor's Signature</b>		<b>Date</b>	
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<b>Residence: City</b>		<b>State</b>		<b>Country</b>		<b>Citizenship</b>
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**Mailing Address****Mailing Address**

<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Country</b>
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Additional inventors or legal representative(s) are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	
Filing Date	
First Named Inventor	McCullly, James William
Title	ONCIDIUM (SWEET EARS) 'THE ORCHIDWORKS'
Art Unit	
Examiner Name	
Attorney Docket Number	03-0910-MCCU

I hereby appoint:

 Practitioners at Customer Number

26357

Place Customer  
Number Bar Code  
Label here

OR

 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number.

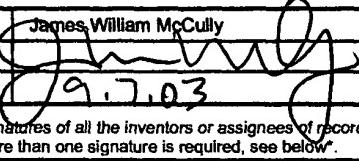
OR

 Practitioners at Customer Number.Place Customer  
Number Bar Code  
Label here

OR

<input type="checkbox"/>	Firm or Individual Name	Robert M. Hunter	
Address	Robert M. Hunter PLLC		
Address	P.O. Box 2709		
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Country	USA	Zip	96743
Telephone	808-885-4194	Fax	808-885-4114

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**Name James William McCulllySignature Date 9.7.03Telephone 808.963.6233

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

 \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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